

1 AN ACT

2 relating to the reduction of a state jail felony prosecution to a
3 misdemeanor prosecution.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 12.44(b), Penal Code, is amended to read
6 as follows:

7 (b) At the request of the prosecuting attorney [~~When a court~~
8 ~~is authorized to impose punishment for a lesser category of offense~~
9 ~~as provided in Subsection (a)~~], the court may authorize the
10 prosecuting attorney to prosecute a state jail felony as a Class A
11 misdemeanor [~~initially for the lesser category of offense~~].

12 SECTION 2. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense was committed before that
19 date.

20 SECTION 3. This Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Coulter

Speaker of the House

I certify that H.B. No. 2296 was passed by the House on April 26, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2296 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Betsy Spaw

Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:20 AM 10:00 CLK

Roger Williams
Secretary of State